

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2253 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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KIRITKUMAR RATILAL BHATT

Versus

VICE-CHANCELLER-BHAVNAGAR UNI.

Appearance:

MR JA SHELAT for Petitioner

MR SN SHELAT for Respondent No. 1

SERVED for Respondent No. 3, 4

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 02/11/96

ORAL JUDGEMENT

Two fold prayers are made in this petition, one is with regard to nomination to the Board of Studies which is to be done by respondent no.1-Vice Chancellor and the other is for preparation of seniority list. In the list so prepared, according to him, he should be placed senior to respondent no.3.

2. Admittedly, respondent no.3 has been nominated to the Board of Studies and in the affidavit-in-reply, the Vice Chancellor has categorically stated that nomination is made on the basis of seniority. Even if it were so made, obviously, when the seniority is yet to be fixed, no claim on that basis can be entertained, unless the seniority is fixed. The prayer is therefore, premature.

3. So far as the prayer for fixation of seniority is concerned, under the Gujarat University Services Tribunal Act, 1983, this is to be done by the Tribunal so appointed. Section 8 of the said Act may be looked into for the purpose.

4. It is true that at the time when the petition came to be filed, though the Act was very much their on Statute Book, there was no Tribunal available thereunder. Now the Tribunal is very much available and therefore, the dispute will have to be decided by the Tribunal. On both the counts, therefore, the petition fails. It is dismissed. Rule is discharged with no order as to costs.
